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NORTHERN CALIFORNIA RIVER WATCH
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 NORTHERN CALIFORNIA RIVER
11 WATCH, a non-profit corporation,

12 Plaintiff,

13 v.

14 BAY AREA DIABLO PETROLEUM
COMPANY dba GOLDEN GATE
15 PETROLEUM COMPANY and DOES
1-10, Inclusive,

16 Defendants
17 _____/

CASE NO. C08-01613 BZ

**PLAINTIFF'S SEPARATE CASE
MANAGEMENT STATEMENT AND
~~PROPOSED~~ ORDER**

Date: November 10, 2008
Time: 4:00 p.m.
Ctmm: G, 15th Floor
Judge: Hon. Bernard Zimmerman

18 Defendant BAY AREA DIABLO PETROLEUM COMPANY dba GOLDEN GATE
19 PETROLEUM COMPANY has made no appearance in this matter to date. Plaintiff therefore
20 submits this separate further Case Management Statement and Proposed Order.
21

I. STATUS OF THE PLEADINGS

22 A Clerk's entry of Default against Defendant issued on July 25, 2008 (Court Doc. #12).
23 Plaintiff filed a Separate Case Management Statement on August 18th. That document, together
24 with the Court's Order of August 19, 2008 continuing the Case Management Conference to
25 November 10, 2008 were served by mail on Defendant by the Clerk's Office on August 19, 2008.
26 Since that time, Defendant has not communicated with Plaintiff or Plaintiff's counsel in any
27 manner whatsoever; and, Defendant has not made an appearance.
28

1 **II. FACTS**

2 The allegations of the Complaint, factual and legal issues in dispute and relief sought by
3 Plaintiff in this matter remain unchanged since the filing of the Initial Case Management
4 Statement (Court Doc. # 9).

5 **III. SCHEDULING**

6 On October 24, 2008 Plaintiff filed an Application for Default Judgment against
7 Defendant together with a Motion for Fees and Costs associated with said Application, which are
8 scheduled for hearing before this Court on Wednesday, December 17, 2008 at 10:00 a.m.

9 Plaintiff therefore requests this Court re-set the further Case Management Conference
10 presently scheduled for November 10, 2008 to a date after the Court has heard and ruled on
11 Plaintiff's Application for Default Judgment and associated Motion for Fees and Costs.

12
13 DATED: November 3, 2008

/s/ Jack Silver

JACK SILVER

Attorney for Plaintiff

NORTHERN CALIFORNIA RIVER WATCH

16 **~~PROPOSED~~ ORDER**

17 GOOD CAUSE APPEARING, it is hereby ORDERED that this matter be continued to
18 January 5, 2009 at 4:00pm for further Case Management Conference.

19 It is further ordered as follows:

20
21 DATED: November 3, 2008


HON. BERNARD ZIMMERMAN
U.S. DISTRICT COURT JUDGE